

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET TO 23,421 SQUARE FEET; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 100 FEET FOR A PROPOSED RESIDENCE IN THE A-1 (AGRICULTURE DISTRICT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 1/26/04 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET TO 23,450 SQUARE FEET; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 100 FEET FOR A PROPOSED RESIDENCE IN THE A-1 (AGRICULTURE DISTRICT), ELIZABETH LUCEY-HEARLD, APPLICANT; OR
2. **DENY** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET TO 23,450 SQUARE FEET; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 100 FEET FOR A PROPOSED RESIDENCE IN THE A-1 (AGRICULTURE DISTRICT), ELIZABETH LUCEY-HEARLD, APPLICANT; OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #3, Van Der Weide)

(Francisco Torregrosa, Planner)

GENERAL INFORMATION	ELIZABETH LUCEY-HEARLD, APPLICANT 1169 BUNNELL ROAD ALT. SPGS., FL 32701	A-1 (AGRICULTURE DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A RESIDENCE ON A NONCONFORMING LOT OF RECORD. THE SUBJECT PROPERTY DOES NOT CONFORM TO THE MINIMUM LOT SIZE WIDTH AT THE BUILDING LINE STANDARDS IN THE A-1 DISTRICT. • THE STATED VARIANCES ARE THEREBY REQUESTED. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCES, AS STATED IN LDC SECTION 30.43(b)(3). STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> ◦ SEMINOLE COUNTY ADOPTED COUNTYWIDE ZONING ON MAY 31, 1960, WHICH ORIGINALLY APPLIED A 	

	<p>MINIMUM LOT SIZE OF 10,000 SQUARE FEET AND A MINIMUM LOT WIDTH AT THE BUILDING LINE STANDARD OF 100 FT TO LOTS IN THE A-1 DISTRICT, INCLUDING THE SUBJECT PROPERTY. THESE STANDARDS WERE SUBSEQUENTLY CHANGED ON SEPTEMBER 14, 1977 TO 43,560 SF AND 150 FEET FOR MINIMUM LOT SIZE AND WIDTH AT THE BUILDING LINE, RESPECTIVELY. THE SUBJECT PROPERTY WAS PLATTED IN APRIL 6, 1917 AS A PART OF MCNEILS ORANGE VILLA, WHICH PREDATES THE ADOPTION OF COUNTYWIDE ZONING. THE APPLICATION OF THE CURRENT A-1 DIMENSIONAL STANDARDS CONSTITUTES A SPECIAL CIRCUMSTANCE OR HARDSHIP FOR WHICH THE APPLICANT IS NOT RESPONSIBLE.</p> <ul style="list-style-type: none">○ POLICY FLU 3.2, ANTIQUATED PLATS, OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN REQUIRES THE ELIMINATION OF ANTIQUATED (NONCONFORMING) LOTS THROUGH REPLATTING AND THE RECOMBINATION OF LOTS WHEN APPROPRIATE. BECAUSE THE PROPERTY OWNER OF RECORD IS NOT THE SAME FOR BOTH THE SUBJECT PROPERTY AND ABUTTING PROPERTIES, THERE IS NO OPPORTUNITY TO CREATE A CONFORMING LOT IN THE A-1 DISTRICT THROUGH THE RECOMBINATION OF THOSE PROPERTIES. VARIANCES FROM MINIMUM LOT SIZE AND WIDTH AT THE BUILDING LINE WOULD BE REQUIRED TO PROVIDE REASONABLE USE OF THE PROPERTY FOR DEVELOPMENT PURPOSES.
STAFF RECOMMENDATION	<p>STAFF RECOMMENDS THE BOARD OF ADJUSTMENT CONSIDER THE STATED FINDINGS AND APPROVE THE REQUESTED MINIMUM LOT SIZE AND WIDTH AT THE BUILDING LINE VARIANCES.</p> <p>IF THE BOARD SHOULD DECIDE TO GRANT THE REQUESTED VARIANCES, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AS DEPICTED ON THE ATTACHED SITE PLAN.• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BV 2003-197

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

☒ **VARIANCE** Request to build new single family residence
Min lot size variance from 43560 SF to 23421 SF (0.54 acre)

☐ **SPECIAL EXCEPTION**

☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT

MOBILE HOME IS FOR

YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED

PLAN TO BUILD ☒ YES ☐ NO IF SO, WHEN FEBRUARY 2004

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>Elizabeth Lucey-Hearld</u>	<u>Alan Hearld</u>
ADDRESS	<u>595 Northbridge Drive</u>	<u>Same</u>
	<u>Altamonte Springs FL 32714</u>	<u>Same</u>
PHONE 1	<u>407-532-7830 home/day</u>	<u>cell 321-3038187</u>
PHONE 2	<u>407-646-7625 work/nights</u>	
E-MAIL	<u>ELUCEY1@excite.com</u>	

PROJECT NAME: HEARLD Residence

SITE ADDRESS: 1169 Bunnell Rd

CURRENT USE OF PROPERTY: vacant

LEGAL DESCRIPTION: W. 100ft of E 300ft. of Lot 59 (less N. 400ft + S. 250 ft. rd)

SIZE OF PROPERTY: .58 acre(s) PARCEL I.D. 17-21-29 5BG-0000-059C

UTILITIES: ☐ WATER ☒ WELL ☐ SEWER ☐ SEPTIC TANK ☐ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 01-26-03⁰⁴
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Elizabeth Lucey-Hearld
SIGNATURE OF OWNER OR AGENT*

12-03-03

DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

Min. lot width at bldg. line variance from 150 FT to 100 FT

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$150 COMMISSION DISTRICT 3 FLU/ZONING A-1

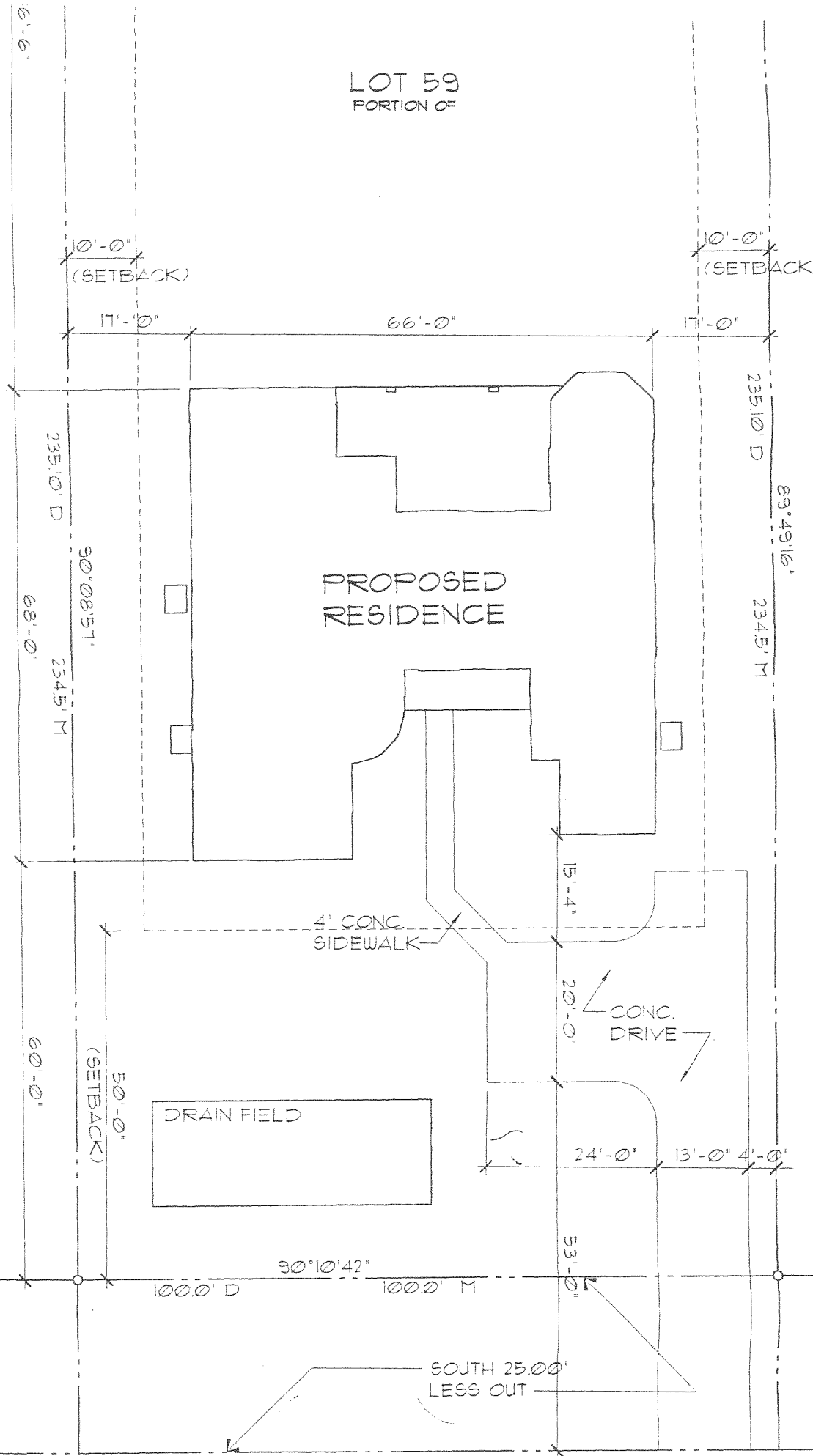
LOCATION FURTHER DESCRIBED AS LOCATED ON THE NORTH SIDE OF BUNNELL RD.
APPROX. 150' WEST OF THE INTERSECTION OF 1ST AVE AND
BUNNELL RD.

PLANNER ERM DATE 12-04-03

SUFFICIENCY COMMENTS Previous property owner subdivided lot & sold property w/o subdividing
through County.

LOT 59
PORTION OF

LOT 59
REMAINDER OF



1169

BUNNEL ROAD

NOT
REG.
L.Y.C.
L.I.Z.A.
NOT
FOR

BOUNDARY SURVEY

LEGEND

—+—+—	WOOD FENCE	△	CENTRAL ANGLE DELTA
-x-x-	WIRE FENCE	D.B.	DEED BOOK
F.N.	NAIL	D.	DESCRIPTION OR DEED
●	PROPERTY CORNER	D.H.	DRILL HOLE
⊕	SITE BENCH MARK	D/W	DRIVEWAY
M	FIELD MEASURED	ESMT	EASEMENT
C	CALCULATED	L.M.E	LANDSCAPE MAINTENANCE EASEMENT
ELEV.	ELEVATION	F.F.	FINISHED FLOOR
ENCR	ENCROACHMENT	F.C.M.	FOUND CONCRETE MONUMENT
CL	CENTERLINE	F.P.K.	FOUND PARKER-KALON NAIL
CONCRETE	CONCRETE	L	LENGTH
P	PROPERTY LINE	L.A.E.	LIMITED ACCESS EASEMENT
C.M.	CONCRETE MONUMENT	M.H.	MANHOLE
F.I.R.	FOUND IRON ROD	N.T.S.	NOT TO SCALE
F.I.P.	FOUND IRON PIPE	O.R.	OFFICIAL RECORDS
R/W	RIGHT OF WAY	O.R.B.	OFFICIAL RECORDS BOOK
N&D	NAIL & DISC	P.C.P.	PERMANENT CONTROL POINT
D.E.	DRAINAGE EASEMENT	P.R.M.	PERMANENT REFERENCE MONUMENT
U.E.	UTILITY EASEMENT	PAGE	PAGE
FD.	FOUND	P.V.M.T.	PAVEMENT
P	PLAT	P.B.	PLAT BOOK
ASPHALT	ASPHALT	P.O.B.	POINT OF BEGINNING
O.H.L.	OVERHEAD LINES	P.O.C.	POINT OF COMMENCEMENT
P.P.	POWER POLE	P.O.L.	POINT ON LINE
TX	TRANSFORMER	P.C.	POINT OF CURVATURE
CATV	CABLE RISER	P.C.C.	POINT OF COMPOUND CURVATURE
W.M.	WATER METER	P.R.C.	POINT OF REVERSE CURVE
TEL.	TELEPHONE FACILITIES	P.T.	POINT OF TANGENCY
COVERED AREA	COVERED AREA	R.	RADIUS (RADIAL)
B.R.	BEARING REFERENCE	R.O.E.	ROOF OVERHANG EASEMENT
CH	CHORD	S.I.R.	SET IRON ROD & CAP
RAD	RADIAL TIE	S.W.	SIDEWALK
N.R.	NON RADIAL	T.B.M.	TEMPORARY BENCH MARK
A/C	AIR CONDITIONER	T.O.B.	TOP OF BANK
B.M.	BENCH MARK	TYP.	TYPICAL
C.B.	CATCH BASIN	W.C.	WITNESS CORNER
C.	CALCULATED	E.O.W.	EDGE OF WATER
WELL	WELL	WOOD DECK	WOOD DECK
CONC. BLOCK WALL TYP.	CONC. BLOCK WALL TYP.	EXISTING ELEVATION	EXISTING ELEVATION

GENERAL NOTES:

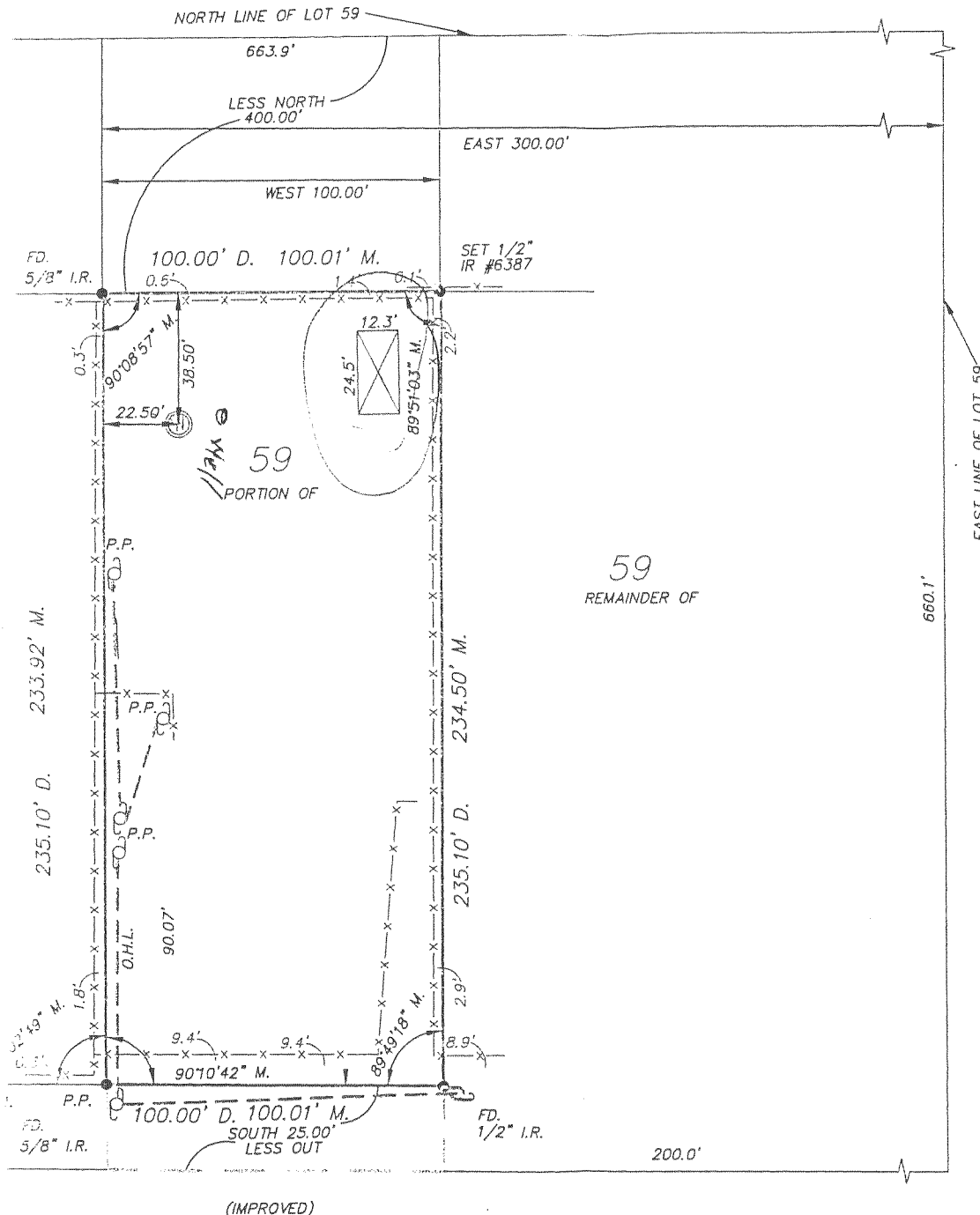
- LEGAL DESCRIPTION PROVIDED BY OTHERS
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
- ONLY VISIBLE ENCROACHMENTS LOCATED.
- NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- FENCE OWNERSHIP NOT DETERMINED.
- ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. UNLESS OTHERWISE NOTED.
- BEARINGS REFERENCED TO LINE NOTED AS B.R.
- THIS SURVEY DEPICTED HERE FORMS A CLOSED GEOMETRIC FIGURE
- NO UNDERGROUND IMPROVEMENTS OR VISIBLE INSTALLATIONS HAVE BEEN LOCATED OTHER THAN SHOWN.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

SIGNED _____ STATE OF FLORIDA
CARL MICHAEL SMITH LAND SURVEYOR & MAPPER NO. 3762

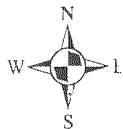
SIGNED _____ STATE OF FLORIDA
P.L. ROBERTS LAND SURVEYOR & MAPPER NO. 3144

SIGNED _____ STATE OF FLORIDA

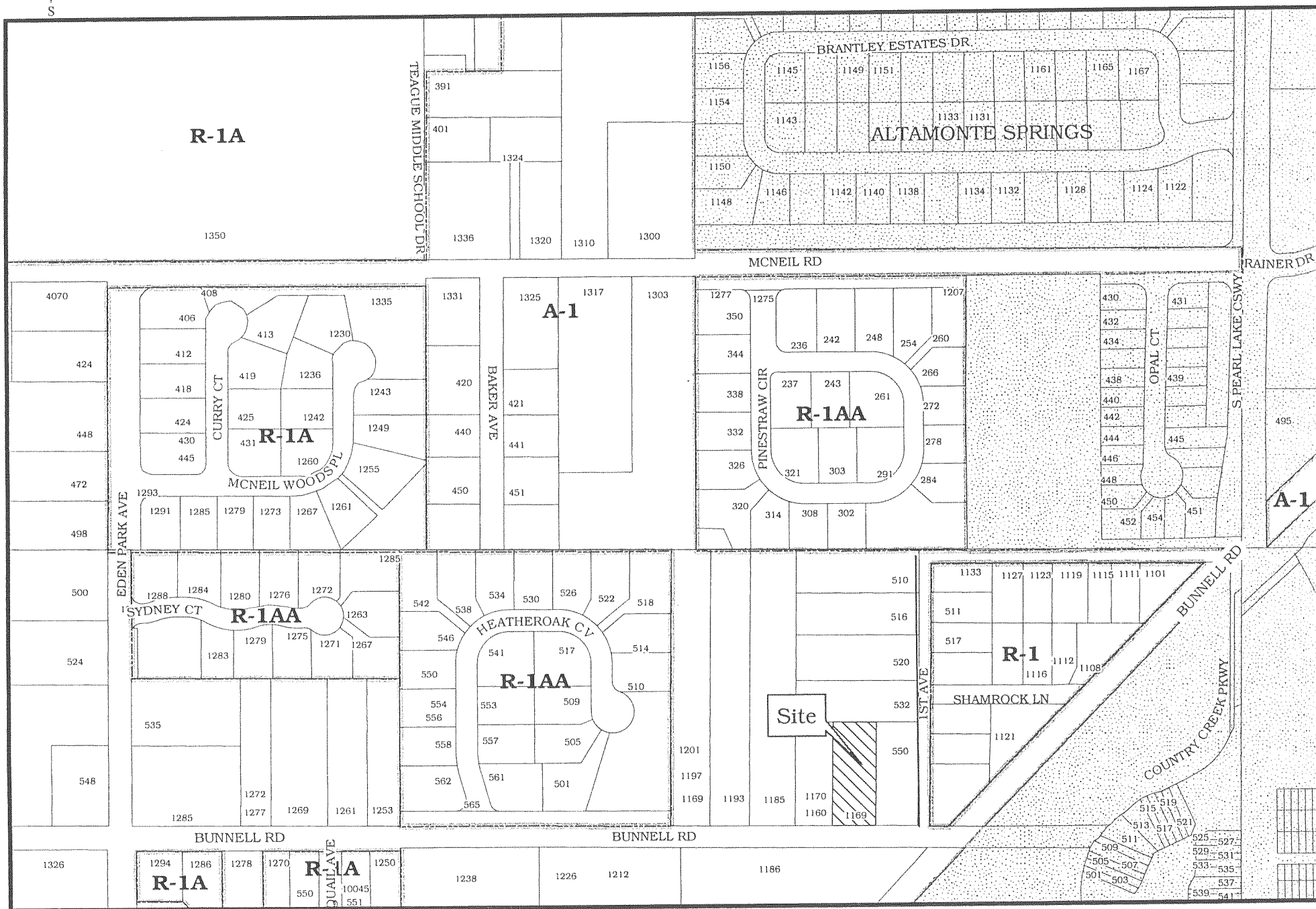



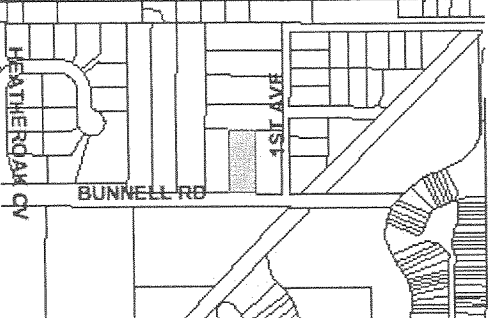
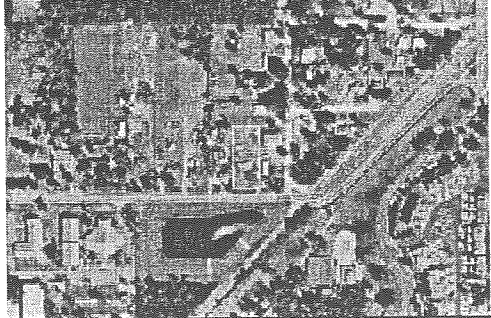
(IMPROVED)

1129 BUNNELL ROAD



Elizabeth Lucey-Hearld 1169 Bunnell Rd.



PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																								
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																													
<p align="center">GENERAL</p> <p>Parcel Id: 17-21-29-5BG-0000-059C Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: LUCEY-HEARLD ELIZABETH C Exemptions:</p> <p>Address: 595 NORTHBRIDGE DR</p> <p>City,State,ZipCode: ALTAMONTE SPRINGS FL 32714</p> <p>Property Address: 1169 BUNNELL RD ALTAMONTE SPRINGS 32701</p> <p>Subdivision Name: MC NEILS ORANGE VILLA</p> <p>Dor: 00-VACANT RESIDENTIAL</p>				<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$691</p> <p>Land Value (Market): \$29,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$29,691</p> <p>Assessed Value (SOH): \$29,691</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$29,691</p>																									
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>05/2003</td> <td>04823</td> <td>1203</td> <td>\$55,000</td> <td>Improved</td> </tr> <tr> <td>FINAL JUDGEMENT</td> <td>08/2002</td> <td>04498</td> <td>0546</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1992</td> <td>02448</td> <td>0508</td> <td>\$19,500</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>				Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	05/2003	04823	1203	\$55,000	Improved	FINAL JUDGEMENT	08/2002	04498	0546	\$100	Improved	WARRANTY DEED	06/1992	02448	0508	\$19,500	Improved	<p align="center">2003 VALUE SUMMARY</p> <p>2003 Tax Bill Amount: \$609</p> <p>2003 Taxable Value: \$35,499</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																													

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[CONTACT](#)

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

W 100 FT OF E 300 FT OF LOT 59 (LESS N 400 FT + S 25 FT RD) MC NEILS
ORANGE VILLA PB 2 PG 99

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: ELIZABETH LUCEY-HEARLD
595 NORTHBRIDGE DRIVE
ALTAMONTE SPRINGS, FL 32714

Project Name: NORTHBRIDGE DRIVE (595)

Requested Development Approval:

1. MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET TO 23,450 SQUARE FEET; AND
2. MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 100 FEET.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property:

The variance granted shall apply only to the proposed lot, as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: